

appointment or examination. If exigent circumstances reasonably prevent Defendants from providing 7 days' written notice, Defendants will immediately provide written notice to Plaintiffs' counsel as soon as possible. The inability to provide 7 days' written notice will not prevent Defendants from obtaining medical treatment for a detainee as determined appropriate such as in an emergency hospitalization situation. Notice will not include the exact location, date or time of the scheduled medical appointment for security reasons, but will include the general purpose of the appointment.

2. Within 24 hours of Defendants' notice, but at a mutually agreeable time, Defendants will make the detainee available for a telephone call with Plaintiffs' counsel. The inability to schedule a telephone conference prior to obtaining medical treatment for a detainee will not prevent Defendants from obtaining medical treatment for a detainee as determined appropriate such as in an emergency hospitalization situation

3. Plaintiffs' counsel will have 48 hours from the time of the telephone conference in which to object to the proposed treatment and/or return of the detainee to BCHOC. Any such objection shall be made in writing to Defendants' counsel;

4. If no objection is made, the transport out of, and back into, BCHOC may go forward;

5. If an objection is lodged, Defendants may file a motion seeking the Court's permission for their proposed action.

All time periods shall be calendar, not business, days. All detainees taken from BCHOC for medical procedures will be instructed to wear masks and be screened for signs and symptoms of COVID-19 before they leave and before they are returned to BCHOC. They will not be tested for COVID-19 unless they have one or more symptoms of an infection, or the Court orders otherwise.

Absent a modification of the preliminary injunction order, Defendants will have to seek individual orders. As of right now, there are 10 detainees for whom 13 medical appointments have been scheduled. The earliest procedure is set for July 10, 2020 (notice was given to counsel in the morning of July 2, 2020).

The Defendants request that the Court modify the preliminary injunction order in the manner set forth above.

Respectfully submitted,

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July 6, 2020

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Dated: July 6, 2020

/s/ Thomas E. Kanwit
Thomas E. Kanwit